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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,357	10/07/2003	Riccardo Cesarini	7040.0054.01	3867

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EXAMINER	
MAKI, STEVEN D	

ART UNIT	PAPER NUMBER
1733	

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01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/679,357	**Applicant(s)** CESARINI ET AL.	
	Examiner Steven D. Maki	**Art Unit** 1733	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on *02 November 2006*. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): the 112 first and second paragraph rejections.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *39-62 and 111-158*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

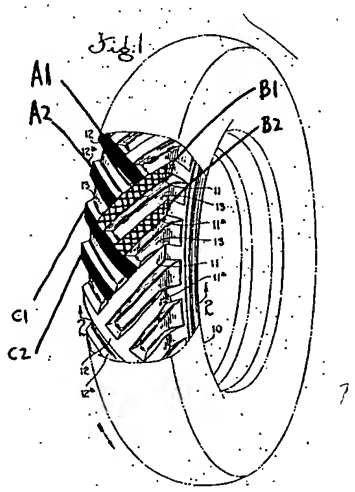
REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see advisory action attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Advisory Action Attachment

Applicant argues that the specification offers no teaching to omit circumferential grooves to form a grid of elastomeric material portions fitted in with one another. See page 30 of response filed 12-22-06. **This argument is incorrect and is contrary to the original disclosure.** The original disclosure teaches a tread pattern having no longitudinal grooves. See page 3 lines 18-23. Applicant's *discovery*, as described in the original disclosure, is the adaptation of a motorcycle tread having no longitudinal grooves (no circumferential grooves) to tires for motor vehicles. See page 2 lines 28-31 and page 3 lines 1-23. The *foundation* of the original disclosure is the use of "substantially continuous tread portions" which are expressly defined in the original disclosure as intending to indicate a portion of the tread which is not interrupted by grooves so that the tread is substantially devoid of longitudinal hinge elements. See page 4 lines 15-22, page 7 lines 21-24, page 11 lines 23-26.

As to independent claim 135, the claimed tread pattern reads on the tread pattern disclosed by Hoover. Figure 1 of Hoover is provided below:



The markings in Hoover's figure 1 were added by the examiner. These markings indicate a first group of ribs A1, A2; a second group of ribs B1, B2 and a third group of ribs C1, C2. These markings clearly demonstrate that Hoover's figure 1 tread shows alternating groups of two transversal grooves 13 and two ribs (two substantially continuous tread portions). Each of Hoover's two substantially continuous tread portions (e.g. ribs 11 and 11a) end at the same transversal groove. Contrary to applicant's argument, there is no "third rib" in each of Hoover's groups.

As to independent claims 111, 130, 135 and 154, the claimed tread pattern reads on the tread pattern disclosed by Sommer. Figure 8a of Sommer is provided below:

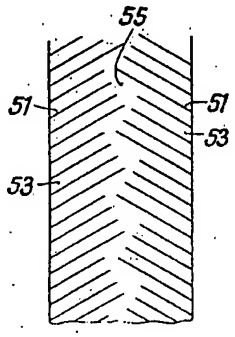


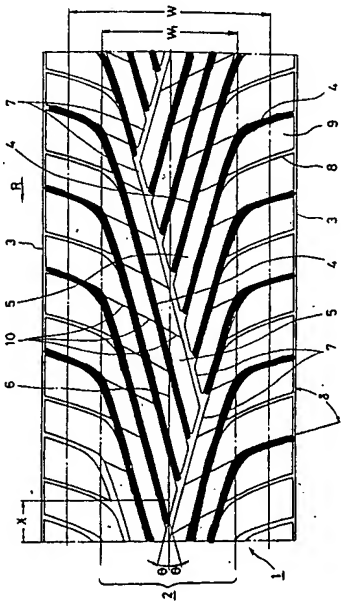
Fig. 8a.

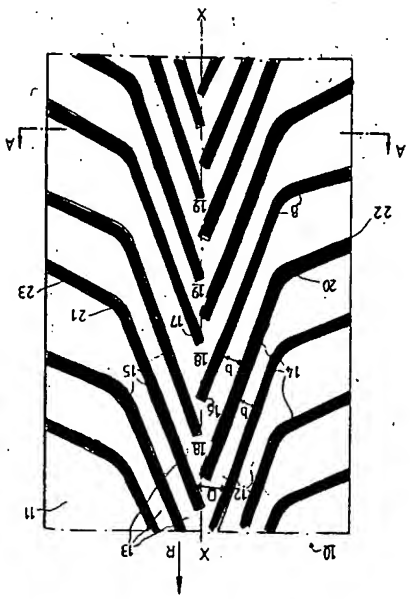
Sommer teaches that the grooves 51 are different length such that a zigzag stripe exists in the center plane of the tread. See page 3 left column lines 13-17 of Sommer. The grooves 51 must cross the center plane (equatorial plane) in order to obtain the zigzag stripe disclosed by Sommer. It is impossible to form a zigzag stripe if none of the grooves 51 cross the equatorial plane. Contrary to applicant's argument, the longest groove 51 of Sommer cannot terminate at the equatorial plane.

In Sommer, each transversal groove of one group ends at "a predetermined distance" from the equatorial portion of the longest transversal groove of an axially

opposed group. Claims 111, 130, 135 and 154 fail to require the grooves of one group ending at the same predetermined distance from the longest groove of an axially opposed group. In any event: Hargraves teaches the subject matter of grooves of one group ending at the same predetermined distance from the longest transversal groove of an axially opposed group. When the transverse grooves of Sommer's end at the same distance from the longest groove of the axially opposed group, the continuous tread portions must end at the same transversal groove of an axially opposed groove because only the zigzag strip is located between the groups of grooves on one side and the groups of grooves on the other side. Applicant's discussion of grooves 51 ending beyond the end of the longest groove is irrelevant because claims 111, 130, 135 and 154 require a predetermined distance such as either distance A, B, C, and D or distance X instead of an exclusion of beyond an end.

As to independent claims 39, 58, 111, 130, 135 and 154, Japan 408 and Great Britain 472 both teach a directional tread pattern having inclined grooves. Figure 2 of Japan 408 and figure 2 of Great Britain 472 are provided below:





The markings in the above figures were added by the examiner. As can be seen from the above figures, the inclined grooves of Japan 408 are substantially similar to the inclined grooves of Great Britain 472. Japan 408 teaches the subject matter of alternating groups of inclined grooves. Although Japan 408 teaches one zigzag circumferential groove 7, Japan 408 teaches using inclined grooves instead of straight circumferential grooves and Great Britain motivates one of ordinary skill in the art to eliminate all circumferential grooves to obtain relatively high absorption of lateral forces and non-deformability of shape required when traveling rapidly round bends. A tread having non-deformability of shape is considered to be structurally stiff.

The description of stresses being discharged along the axis fails to require tread structure not suggested by Hoover, Sommer, Japan 408 or Great Britain 472 since (1) the tread of Hoover, Sommer, Japan 408 and Great Britain 472 comprise inclined substantially continuous tread portions, (2) tires are subjected to lateral forces during use thereof and (3) any force may be resolved into coplanar components. None of claims require all of the forces to be discharged along the axis. None of the claims require a substantial part of the stresses to be discharged along the axis.

Applicant's remaining arguments are not persuasive for the reasons of record.

Allowable Subject Matter

Claims 59, 131 and 155 would be allowable if (1) each of claims 59, 131 and 155 is rewritten include all of the limitations of the base claim and any intervening claims, (2) for each tire, each of claims 59, 131 and 155 is amended by adding --wherein the shoulder groove portion of each transversal groove has at least a portion having a width smaller than the width of the equatorial groove portion--, and (3) for each tire, each of claims 59, 131 and 155 is amended by adding --wherein the equatorial groove portion of each transversal groove is connected to the shoulder groove portion by a substantially curvilinear intermediate groove

portion comprising a radius of curvature greater than or equal to 30 mm and less than or equal to 60 mm--.

Claims 39, 41-45 and 47-57 would be allowable if the following amendments are made: (1) Cancel claims 40 and 46; (2) In claim 39, add --wherein the equatorial groove portion of each transversal groove is connected to the shoulder groove portion by a substantially curvilinear intermediate groove portion comprising a radius of curvature greater than or equal to 30 mm and less than or equal to 60 mm--; and (3) In claim 39, add --wherein the equatorial groove portion of at least one of the transverse grooves forms a first angle greater than 30° and less than or equal to 65° with respect to the equatorial plane of the tire--.

The subject matter regarding the first angle in the proposed wherein clause is reasonably conveyed by the original disclosure at page 6 lines 5-9.

When considered as a whole, the prior art fails to suggest the combination of (1) alternating groups of the transversal grooves, (2) "the shoulder groove portion of each transversal groove has at least a portion having a width smaller than the width of the equatorial groove portion", (3) "the equatorial groove portion of each transversal groove being connected to the shoulder groove portion by a substantially curvilinear intermediate groove portion comprising a radius of curvature greater than or equal to 30 mm and less than or equal to 60 mm" and (4) "the equatorial groove portion of at least one of the transverse grooves forming a first angle greater than 30° and less than or equal to 65° with respect to the equatorial plane of the tire" (or "the equatorial groove portion of one or more of the transversal grooves of at least one of the first treads forms a third angle substantially equal to 45° with respect to the equatorial plane of the respective front tire") taken together with the remaining limitations of claim 39.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven D. Maki
January 18, 2007

Steven D Maki 1-20-07
STEVEN D. MAKI
PRIMARY EXAMINER